

Cook, Harcourt, Hartley, Hord, Parsons, Shepard, Selman, Weatherford and White—14.

On motion of Mr. Hartley, the call was suspended and the vote taken on Mr. Hartley's motion to reconsider the vote taken on yesterday to lay Mr. Harcourt's amendment relative to soldiers' families to the bill to regulate the cultivation of cotton on the table, which stood thus:

Yeas: Messrs. Batte, Casey, Cook, Dickson, Ford, Harcourt, Hartley, Hord, Moore of Davis, Moore of Bastrop, Reed, Selman, Shepard, and White—14.

Nays: Messrs. Andres, Beasley, Boyd, Burney, Cooper, Crawford, Durant, Graham, Guinn, Lea, Lair, Maxey, Parsons, Quayle, Weatherford, and Wheeler—16.

Mr. Quayle moved the previous question whereupon Mr. Dickson moved a call of the Senate which was sustained.

On motion the Senate adjourned until 9 o'clock A. M. tomorrow.

Friday, February 27, 1863
9 o'clock A. M.

Senate met, prayer by the Chaplain, roll called, quorum present. The journal of yesterday was read and adopted.

Mr. Lea, one of the Committee on State Affairs, reported on behalf of that Committee a Bill to provide assistance for families and other dependents of non-commissioned officers and soldiers, recommending its passage with the following amendments.

In caption and in section 1, strike out the word "non commissioned."

In Section 1, after the words "County Court," insert "for administrative police in the respective County."

At end of Section 1, add "and the court shall conduct this business with appropriate regularity, keeping full minutes of its proceedings in a book not containing any other matter, and such book shall be always subject to inspection by any orderly citizen."

At end of Section 5 add "provided such control shall not be exercised until at least a majority of the members of the County Court shall have been cited to appear and answer the complaint and the citation shall be executed at least ten days before the time for answering and the mode of service shall be by giving a copy to the person or

by leaving it at his residence with some member of his family or posted on his door."

Mr. Durant, Chairman of Select Committee, on behalf of said Committee reported a bill for the organization of State Troops and prescribing who shall be liable to militia duty with the following amendment to be section 8.

"The Governor shall appoint one Adjutant and Inspector General with the rank of Colonel of Cavalry, with the advice and consent of the Senate, who shall be liable to be removed by the Governor, who shall receive a salary of two thousand dollars, and shall give bond and security for the faithful performance of the duties of his office in a sum of five thousand dollars to be approved by the Governor. He shall keep a military bureau in the City of Austin; he shall procure a record annually of the strength, arms, and equipments of the State; shall record all military orders received by him, and generally all matters which relate to his office or the State Troops, and which in his opinion may be necessary to enable him to exhibit the true strength, character, and condition of the military forces of the state; he shall once a year visit and inspect the arsenals and magazines in the State and report to the Governor their condition, the number, kind, and condition of arms, equipments, and public stores in each, the number and description of public arms and equipments distributed to the State Troops each year and the condition and disposition of such distribution, and all quartermasters and other officers having charge of other departments shall when required make full reports to him of the different matters committed to their charge. He shall distribute all orders from the Governor and obey all orders from him, furnish blank forms of different returns that may be required and explain the principles on which they should be made; he shall make a return of the State Troops with their arms, ammunition, and accoutrements whenever required by law to the President of the Confederate States and shall be charged with all correspondence on Military Affairs; he shall also be quartermaster and commissary general and his duties shall be to collect and take charge of all property belonging to the military of this State or for military uses, which have not been regularly issued by the State, and his general duties shall be similar to the duties of the quartermaster and commissary general of the Confederate States. In addition

to said duties, he shall perform the duties of ordnance officer and shall, whenever the business of his office requires, employ one or more clerks at a salary not to exceed seventy-five dollars per month."

Mr. Cooper introduced the following: "**Resolved**, That the Senate, recognizing the great necessity to foster and sustain every self-supporting means in our limits, and whereas Messrs. Billups, Griggs, and Bussey, Hassell, Calstead, and Holverson, also Stafford, Willet, and Morrison of Anderson County have established iron works in said County on a small scale, and a necessity exists to extend and enlarge the same, therefore: **Resolved**, That the Senate appoint a committee of two and request the House to appoint a corresponding number to inquire and report upon the expediency of granting state aid and report by bill or otherwise." Adopted, and Mr. Cooper and Mr. Harcourt appointed said Committee.

On motion of Mr. Guinn, Mr. Durant's resolution offered on yesterday relative to the absent senators was taken up. Mr. Durant moved to strike out the name of Mr. Jordan. Mr. Guinn offered a substitute as follows: "**Resolved** by the Senate, That it is the sense of the Senate that a call should not be made upon any senator who has not answered to his name this extra session." Accepted by Mr. Durant.

Mr. Parsons then offered a substitute as follows: **Resolved**, That the 25th rule of the Senate be hereafter construed to mean that when a call of the Senate is made and all the Senators who are within the limits of the City of Austin have been brought in and a quorum be then present, that the call cannot then be kept up and members sent for who are not within said city and who have not attended at the present session of the Legislature."

Mr. Ford moved to lay the substitute of Mr. Parsons on the table. The Yeas and Nays being called stood thus:

Yeas: Messrs. Andres, Batte, Beasley, Burney, Casey, Cook, Cooper, Dickson, Ford, Graham, Guinn, Harcourt, Hartley Hord, Jordan, Maxey, Moore of Davis, Moore of Bastrop, Reed, Selman, Shepard, and Weatherford—22 [23].

Nays: Messrs. Boyd, Durant, Lea, Lair, Parsons, Quayle, and Weatherford—7. The question then recurred

on the substitute offered by Mr. Guinn and accepted by Mr. Durant.

A motion to lay the substitute on the table resulted as follows:

Yeas: Messrs. Beasley, Boyd, Casey, Cook, Cooper, Harcourt, Hartley, Jordan, Quayle, Reed, Selman, and Shepard—12.

Nays: Messrs. Andres, Batte, Burney, Dickson, Durant, Ford, Graham, Hord, Lea, Lair, Maxey, Moore of Davis, Moore of Bastrop, Parsons, Weatherford, and Wheeler—17.

Mr. Quayle moved to strike out the words "this extra session."

Mr. Cook offered the following substitute: "**Resolved**, That Senators Mitchell and Houston, being beyond the limits of the State, and consequently beyond the jurisdiction of the Senate, a call of the Senate cannot be kept up under the rules of the Senate on account of their absence." Adopted as a substitute, whereupon Mr. Shepard moved to lay the resolution on the table. The Yeas and Nays stood thus:

Yeas: Messrs. Andres, Beasley, Boyd, Cooper, Harcourt, Quayle, and Shepard—7.

Nays: Messrs. Batte, Burney, Casey, Cook, Crawford, Dickson, Durant, Ford, Graham, Guinn, Hartley, Hord, Jordan, Lea, Lair, Maxey, Moore of Davis, Moore of Bastrop, Parsons, Reed, Selman, Weatherford, and White—23.

The resolution was then adopted.

The bill to regulate the cultivation of cotton being in order was taken up. Mr. Lea offered the following amendment to come in at end of fourth Section: "Provided such control shall not be exercised, until the person complained of shall have been cited to appear and answer the complaint; and the citation shall be served at least ten days before the time for answering, and the mode of service shall be by giving a copy to the person, or by leaving it for him at his residence with some member of his family or posted on his door, or by leaving it for him with the manager of the premises in question." Transpose sections 3 and 4. Adopted.

Mr. Hord moved to amend as follows: "but no injunction shall be granted until the surveyor of the County in which the land is situated shall have certified that by actual measurement, the party charged as violating this act has an excess of over one third of his land planted in cotton."

Mr. Guinn moved to lay the amendment upon the table, and the Yeas and Nays were as follows:

Yeas: Messrs. Andres, Batte, Beasley, Boyd, Burney, Cooper, Crawford, Durant, Graham, Guinn, Lea, Lair, Maxey, Parsons, Quayle, Weatherford, and Wheeler—17.

Nays: Messrs. Cook, Dickson, Ford, Harcourt, Hord, Jordan, Moore of Davis, Moore of Bastrop, Reed, Selman, Shepard, and White—13.

Mr. Guinn moved a call of the Senate upon the passage of the bill which was sustained and, the Senate being full, the bill was read 3rd time and lost by the following vote:

Yeas: Messrs. Beasley, Boyd, Burney, Cooper, Crawford, Durant, Graham, Guinn, Lea, Lair, Maxey, Quayle, Parsons, Weatherford, and Wheeler—15.

Nays: Messrs. Andres, Batte, Cook, Casey, Dickson, Ford, Harcourt, Hartley, Hord, Jordan, Moore of Davis, Moore of Bastrop, Reed, Selman, Shepard, and White—16.

Mr. Burney, by leave from the Committee on Public Buildings, reported a substitute for a bill to that Committee referred appropriating \$10,000 to recover the Capitol building and the Land Office.

On motion of Mr. Guinn, the report was taken up, substitute adopted, and ordered to be engrossed. Rule suspended. Read 3rd time and passed.

Senate bill authorizing judgement to be rendered requiring property, etc. to bring nine tenths of its appraised value on amendments by the House. Amendments concurred in.

House bill to authorize the County Courts of Smith and Walker Counties to levy a special tax for war purposes and have the same collected immediately was, on motion of Mr. Selman, taken up. Read 1st time. Rule suspended. Read 2nd time and passed to a 3rd reading. Rule further suspended. Read 3rd time and passed.

Mr. Maxey, by leave, introduced a Bill to appropriate money to pay the officers and soldiers of Sims' 9th Texas regiment of Cavalry while in the State service. Read 1st and 2nd times and referred to Committee on Finance.

A message was received from the House informing the Senate that the House had passed the following bills:

A Bill to provide for the defense of the frontier and repealing certain sections of an act to provide for the protection of the frontier approved December 21, 1861.

A Bill to provide against the hostile invasion of the State of Texas by persons of color.

Senate Bill with an amendment requiring property sold under execution, deeds in trust, or mortgages to bring nine tenths of its appraised value.

A Bill to amend an act to amend an act to establish a Code of Criminal Procedure approved August 26, 1856, approved February 15, 1858.

A Bill to amend the Penal Code.

A Bill to incorporate the Comal Manufacturing Company was on motion taken up. Read 1st time. Rule suspended. Read 2nd time and passed to 3rd reading. Rule further suspended. Read 3rd time and passed on call of Yeas and Nays by a constitutional majority. Messrs. Boyd, Crawford, and Durant voting Nay.

A Bill making an appropriation to defray the contingent expenses of the extra session of the 9th Legislature. Read 1st time. Rule suspended. Read 2nd time and passed to 3rd reading. Rule further suspended. Read 3rd time and passed.

The following House Bills were severally read 1st and 2nd times and referred as follows:

A Bill to authorize the Commissioner of the General Land Office to issue to all persons and corporations such land certificates as they may be entitled to receive under any general or special law of the State. Referred to Committee on Internal Improvements.

A Bill to provide against the hostile invasion of the State by persons of Color. Referred to Judiciary Committee.

A Bill to amend the Penal Code. Referred to Judiciary Committee.

A Bill appropriating money defraying all expenses for rations and forage of 21st Brigade, Texas State Troops. Referred to Finance Committee.

A Bill to provide for the defense of the frontier and repealing certain sections of an act to provide for the protection of the frontier approved December 21, 1861. Referred to Committee on Military Affairs.

A Bill to incorporate the Texas Paper Manufacturing Company. Referred to Committee on State Affairs.

A Bill to procure specie to enable the people to pay the specie tax. Referred to Committee on Finance.

A Bill to punish those who take the Alien Oath and refuse a participation in our struggle. Referred to Judiciary Committee.

A Bill to amend an act to amend an act to establish a code of criminal procedure approved August 26, 1856, approved February 15, 1858. Referred to Judiciary Committee.

On motion of Mr. Weatherford, a bill to incorporate the Dallas Male and Female College was taken up. Read 2nd time. Amendments of Committee on Education adopted and bill passed to 3rd reading. Rule suspended. Read 3rd time and passed on call of the Yeas and Nays by Constitutional majority. Mr. Boyd voting Nay.

A Bill to repeal an act to amend an act to authorize the sale of the public domain approved February 11, 1858, approved January 1, 1862. Read 3rd time.

Mr. Hord offered a substitute for the bill. Mr. Weatherford proposed to amend the substitute by inserting the following proviso: "Provided that only Treasury warrants of Texas shall be received."

On motion the Senate adjourned until 7 1/2 o'clock P. M.

7 1/2 o'clock P. M.

Senate met, roll called, quorum present.

The question before the Senate being on the adoption of Mr. Weatherford's amendment to the substitute of Mr. Hord, Mr. Burney moved to lay on the table. Carried. Mr. White moved to lay the substitute offered by Mr. Hord on the table. The Yeas and Nays as follows:

Yeas: Messrs. Burney, Casey, Cooper, Crawford, Guinn, Harcourt, Jordan, Lair, Maxey, Moore of Davis, Selman, Weatherford, and White—13.

Nays: Messrs. Andres, Batte, Beasley, Boyd, Cook, Dickson, Durant, Ford, Graham, Hord, Lea, Moore of Bastrop, Parsons, Reed, Shepard, and Wheeler—16.

The question was taken on the adoption of the substitute and lost.

Mr. Hartley moved a reference of the bill to select committee of five. Carried. Messrs. Hartley, Hord, Dickson, Weatherford, and Burney were appointed said committee.

A Bill to incorporate the Comal Manufacturing Company. Read and laid on the table.

A Bill to regulate the sale of beef cattle and to require

butchers to keep and return lists of cattle slaughtered by them and to prevent the sale of calves without branding. Read 2nd time. Mr. Beasley offered the following amendments:

Amend caption by inserting after the word "cattle" the words "and hogs" in 1st line and in 2nd line after the word "cattle" [insert] "and hogs."

In Section 1, 2nd line, insert "hogs" after "beeves" and in line 8, same Section, insert "or hog or hogs" after the word "beeves." In line 11, insert "or hogs" after "beeves." In line 13 insert "or hogs" after "beeves."

In Section 2, 1st line, insert "hog or hogs" after "beeves."

In Section 3, 4th line, insert "hog or hogs" after "beeves."

In section 4, 1st line, insert "pork" after "beef." In 2nd line insert "or hogs" after "cattle."

In Section 6, 1st line, insert "hogs" after "calves." In 2nd line insert "or marking" after "branding."

On motion of Mr. Ford, laid on the table.

Mr. Lea offered the following as an addition to Section 1. "Provided in case there shall not be any such clerk ready to receive and record such bill of sale and affidavit, the same shall be filed and recorded in like manner in some adjoining County, and such record in the one County or the other shall be made without unreasonable delay; but the recording in such adjoining County shall not dispense with the filing and recording in the County first indicated whenever there shall be therein a County Clerk prepared for the business; with whom the bill of the sale and affidavit shall be filed for record without unreasonable delay; whereupon they shall be promptly recorded by said clerk." Adopted and bill passed to a 3rd reading. Rule suspended. Read 3rd time and passed.

A Bill declaring void any sale made by the public enemy who may occupy any portion of the territory of the State of Texas, on report of Judiciary Committee recommending that it do not pass. Read 2nd time and report adopted.

A Bill to authorize the County Courts of Bastrop and other Counties therein named to regulate the pay of the Sheriff in certain cases. Read 2nd time.

Mr. Cooper moved to add "Trinity" County. Adopted. Mr. Hord moved to add Cameron and Starr Counties. Adopted.

Mr. Harcourt moved to indefinitely postpone the bill. Lost. Mr. Quayle moved to strike out after Bastrop all the Counties named and insert in lieu of them "and all other Counties in the State." Mr. Cooper moved to lay the motion on the table. Carried. The bill was then passed to a third reading. Rule suspended. Read 3rd time and passed.

A Bill to incorporate the Jackson Manufacturing Company. Read 2nd time and passed to a 3rd reading. Rule suspended. Read 3rd time and passed by a constitutional majority. Messrs. Boyd and Weatherford voting Nay.

A Bill to authorize the establishment of ferries at the crossing of the Waco and Austin road on the Leon and Lampasas rivers in Falls County. Read 2nd time and passed to 3rd reading. Rule suspended. Read 3rd time and passed.

Mr. Hartley, Chairman of select committee, made the following report: "The select committee to which was referred the House's bill to repeal an act entitled an act to amend the 1st and 11th Sections of an act to authorize the sale of the public domain approved February 11, 1858, approved January 1, 1862, have duly considered the same and a majority of the committee have instructed me to report to the Senate the accompanying bill to amend the 1st Section of an act to amend the 1st and 11th sections of an act to authorize the sale of the public domain approved February 11, 1858, approved January 1, 1862, and to amend the 2nd Section of an act to authorize the sale of the public domain approved February 11, 1858, as a substitute for the bill referred and recommend its passage.

R. K. Hartley

Chairman

On Mr. Shepard's motion, the report was taken up. The substitute reported by the Committee was declared out of order because the same substitute had been rejected by the Senate. Whereupon Mr. Beasley moved to reconsider the vote refusing to adopt it. Carried. Mr. Weatherford moved to postpone until tomorrow at 11 o'clock A. M. Carried.

Mr. Lea moved to suspend the rule so as to take up report of the Committee on State Affairs on a Bill to provide necessary assistance for families and other dependants

of non commissioned officers and soldiers. Carried. Bill read 2nd time. Amendments reported by the Committee adopted.

Mr. Lea offered the following amendment: "Provided such extraordinary taxes shall be collected as needed, according to the State assessment, as it may be from time to time." Adopted.

Mr. Lair moved to adjourn until 10 o'clock tomorrow morning. Lost.

Mr. Cooper moved to postpone further consideration of the bill until 10 o'clock A. M. tomorrow. Carried.

On motion the Senate adjourned until 9 o'clock A. M. tomorrow.

Saturday, February 28, 1863

Senate met, prayer by the Chaplain, roll called, quorum present. The journal of yesterday was read and approved.

Mr. Selman, Chairman of Committee on Finance, on behalf of said Committee reported a bill appropriating money to defray the expenses for rations and forage of 21st Brigade, Texas State Troops, and recommended its passage.

Mr. Harcourt, Chairman of Judiciary Committee, on behalf of said Committee, reported the following bills and recommended their passage viz:

A Bill to punish those who take the Alien Oath and refuse a participation in our struggle.

A Bill to provide against the hostile invasion of the State of Texas by persons of color.

A Bill to amend the Penal Code, and the following bill with the recommendation that it do not pass.

A Bill to amend an act to amend an act to establish a Code of Criminal Procedure approved August 26, 1856, approved February 15, 1858. Also a Bill to punish certain persons for unlawful seizures of wagons and teams recommending its passage with the following amendment. Strike out "by confinement in the Penitentiary" and insert "by fine not less than \$500.00 and in the discretion of the jury by imprisonment in the county jail not more than six months." Also a substitute for a Bill referred to define and punish sedition and to prevent the dangers that may arise from persons disaffected to the State, recommending its adoption and passage.